

**EMPLOYER STATUS DETERMINATION**  
**Fillmore Western Railway Company**

This is the determination of the Railroad Retirement Board concerning the status of Fillmore Western Railway Company (Fillmore) as an employer under the Railroad Retirement Act (45 U.S.C. § 231 et seq.) and the Railroad Unemployment Insurance Act (45 U.S.C. §351 et seq.).

Information regarding Fillmore was provided by T. Scott Bannister, counsel for Fillmore. According to Mr. Bannister, Fillmore began doing business on November 27, 1996. Greg Weber is the president and chief executive officer of Fillmore. Fillmore reports that it currently has 2 employees.

In Surface Transportation Board Finance Docket No. 33299, Fillmore filed a notice of exemption to acquire and operate approximately 64.5 miles of rail line. It interchanges with Burlington Northern Santa Fe Railroad.

The evidence of record establishes that Fillmore is a carrier operating in interstate commerce. Accordingly, it is determined that Fillmore is an employer within the meaning of section 1(a)(1)(i) of the Railroad Retirement Act (45 U.S.C. § 231(a)(1)(i)) and the corresponding provision of the Railroad Unemployment Insurance Act as of November 27, 1996, the date on which it commenced operations.

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Glen L. Bower

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V. M. Speakman, Jr.

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